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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,241	09/30/2003	Evon Llewellyn Crooks	030627/267417	3499

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

MAYES, DIONNE WALLS

ART UNIT PAPER NUMBER

1731

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/675,241	Applicant(s) CROOKS ET AL.	
	Examiner Dionne Walls Mayes	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-21, 23-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21,23,24 and 26 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8-20 and 27-30 is/are rejected.
- 7) ☒ Claim(s) 6,7 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-5,8, 16-17, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Mentzel et al (US. Pat. No. 5,423,336).

Mentzel discloses all that is recited in the claims because it teaches a ventilated filter cigarette having a tobacco strand 10 (corresponding to the claimed “tobacco rod”), and a filter section 2 connected thereto, wherein the filter section 2 comprises an air-permeable filter core 12 or filter body 14’ having a centrally-located small duct 16; a mouthside filter section 6 (corresponding to the claimed “second...section of filter material”); and a chamber 4 filled with activated carbon (corresponding to the claimed “an adsorbent material contained within a last a portion of [a] compartment”) (see figs. 1,5 and 7). Fig. 1 shows the embodiment where filter core 12 is readable on these claims since the core is “air-permeable”. Further, the filter automatically satisfies the “plurality of longitudinally extending channel” language since there has to be “channels” through which the air passes (in between the filter tow) in order to be delivered to the smoker (See arrows). These channels would be situated along the periphery of the core 12, as well as proximal to the central axis of the core 12.

Regarding claims 6-7, Figs. 5,7 show embodiments where the cross-sectional area is clearly met.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-15, 18, 20, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mentzel (US. Pat. No. 5,423,336).

Regarding claim 9, it would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the cellulose acetate tow in plasticized form since this is conventional in the cigarette art.

Regarding claims 10-15, according to the Figures, it appears that these dimensions are obviously; however, if not, it would have been obvious to one having ordinary skill in the art at the time of the invention to have arrived at these dimensions after routine experimentation to find optimal lengths of each section so as to efficiently deliver smoke to the user which has lessened amounts of harmful components.

Regarding claims 18 and 20, the claimed activity and particle size of the activated carbon would have been obvious parameters for which to have selected for the activated carbon used in the Mentzel reference since these are not unconventional attributes of active carbon.

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Regarding claims 27-28 and 30, it would have been obvious to one having ordinary skill in the art at the time of the invention to have arrived at the claimed denier per filament values, since, conventionally, fibrous filter material exhibits a denier per filament in this range.

Allowable Subject Matter

5. Claims 21, 23-24 and 26 are allowed.
6. Claims 6,7, 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 7/27/06 have been fully considered but they are not persuasive.

- Applicant asserts that the Mentzel patent fails to teach a "plurality of longitudinally extending channels extending through the first section of filter material", but the Examiner disagrees. As indicated in the drawing of Mentzel, horizontal arrows indicate the direction of smoke flowing through the cigarette filter. It follows that "channels" enabling the smoke to pass through the filter into the mouth of the smoker are positioned "longitudinally", otherwise the smoke would not effectively pass through the filter and into the smoker's mouth. A "channel" is merely a route through which something passes. In this case, the smoke passes through many "channels" extending along the fibrous material comprising

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the filter. The layout of the filter requires that the smoke pass longitudinally. Therefore, the Examiner believes that the filter disclosed in the Mentzel reference meets the newly amended language of the claims, including the language that requires that the filter material of the first section be "smoke-permeable". As disclosed in the reference, central core 12, as seen in Fig. 1, is "air-permeable".

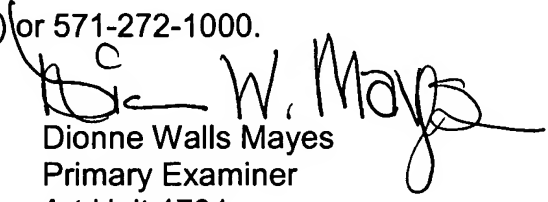
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne Walls Mayes whose telephone number is (571) 272-1195. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dionne Walls Mayes
Primary Examiner
Art Unit 1731

September 26, 2006